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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,512	03/11/2005	Jeffrey D Scott	P00908WO-00 (21927.0001)	1191
23446	7590	07/02/2008	EXAMINER	
ICE MILLER LLP ONE AMERICAN SQUARE, SUITE 3100 INDIANAPOLIS, IN 46282-0200			OLSON, MARGARET LINNEA	
			ART UNIT	PAPER NUMBER
			3782	
			MAIL DATE	DELIVERY MODE
			07/02/2008 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/507,512

**Applicant(s)**

SCOTT, JEFFREY D

**Examiner**

MARGARET L. OLSON

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date 12/13/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Pidcock (US 6,997,362). Pidcock discloses an article carrier comprising a flexible cable 27 having a first end near 29, a second end near 31, and an intermediate portion between the two ends. A lock 32 is coupled to the ends to form a major loop. A cable retainer 36 engages the cable to form a minor loop and restrict movement of the cable relative to the cable retainer, and is operative to adjust the size of the minor loop. A clip 39 is coupled to the cable 27 to secure the article carrier to an object. The cable retainer 36 is in between the clip and the lock, if you follow the cord 27 from end 31 at the lock 32 toward the cable retainer 36, the cord passes through the cable retainer before it gets to the clip 39 and returns to the lock at end 29.

With respect to claim 12, the cable retainer includes an engagement surface and an engagement edge biased towards each other, where the cable passes through them and is pinched to inhibit movement (column 8, lines 16-20).

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With respect to claim 13, the cable retainer is operative to move the engagement edge and surface apart to allow the cable to be moved and the size of the minor loop adjusted.

With respect to claim 14, a cover 34 is coupled to a portion of the cable between the cable retainer and clip.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11- 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba et al. (US 5,307,966) in view of Leslie (US 6,212,688). Inaba et al. discloses an article carrier with a flexible cable 3 having a first end, a second end, and an intermediate portion between the ends (figure 1, figure 4) with a lock 6 coupled to both ends to form a major loop. A cable retainer 5 engages the cable to form a minor loop and restrict movement of the cable relative to the cable retainer, and operable to permit adjustment of the size of the minor loop. Inaba et al. discloses that the article carrier is secured to the object at loop 2, where the cable retainer is in between the securement and the lock, but does not disclose a clip connecting the cable to the article carried 1. Leslie teaches a clip 16 securing an article carrier with a cable 12 to an article through loop 18. It would have been obvious to one of ordinary skill in the art at the time of

invention to use a clip to secure the article carrier of Inaba et al. to an object, in order to quickly remove the carrier from the object for cleaning or storage.

With respect to claim 12, the primary reference Inaba et al. discloses that the cable retainer includes an engagement surface 55 and an engagement edge 54, one of which is biased toward the other with spring 52, and the cable 3 passes between and is pinched by the surface and edge to inhibit cable movement (figure 3a).

With respect to claim 13, the primary reference Inaba et al. discloses that the cable retainer is operable to move the engagement edge 54 and engagement surface away from one another to permit the cable to move relative to the retainer (figure 3b).

With respect to claim 14, the primary reference Inaba et al. discloses that a cover 4 is coupled to a portion of the cable between the cable retainer 5 and the clip 2.

5. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba et al. (US 5,307,966) in view of Leslie (US 6,212,688), and further in view of Ogata et al. (US 6,345,747). Inaba et al discloses a unitary apparatus comprising a cable 3, and a cable retainer 5. The cable 3 has a pair of free ends and an intermediate portion threaded through the cable retainer 5. A lock 6 with a first and second section and capable of relative movement between the sections is coupled to the free ends of the cable to form a loop (figure 4). The cable retainer includes an engagement surface 55 and an engagement edge 54, one of which is biased toward the other with spring 52, and the cable 3 passes between and is pinched by the surface and edge to restrict cable movement (figure 3a). Inaba et al. discloses that the article carrier is secured to the object at loop 2, where the cable retainer is in between the securement and the lock,

but does not disclose a clip connecting the cable to the article carried 1. Leslie teaches a clip 16 securing an article carrier with a cable 12 to an article through loop 18. It would have been obvious to one of ordinary skill in the art at the time of invention to use a clip to secure the article carrier of Inaba et al. to an object, in order to quickly remove the carrier from the object for cleaning or storage. Inaba et al. as modified by Leslie does not teach that the first and second sections of the lock joining the ends of the cable are separated by a flexible thinned section, which allows relative movement of the section. Ogata et al. teaches a lock for the ends of a cable having first and second sections 31 and 32 joined by a flexible thinned section 33 that allows relative movement of the two sections (figure 1). It would have been obvious to one of ordinary skill in the art to use a flexible thinned portion to separate the first and second sections of the lock of Inaba and permit relative movement between them, to simplify the manufacture and assembly of the lock.

With respect to claim 16, the primary reference Inaba et al. discloses that the loop is adjustable.

With respect to claim 17, Inaba et al as modified discloses that the lock is moveable between a locked and unlocked position, and the first section includes an aperture 63 and the second section includes tabs 62. The tab 62 is positioned in the aperture 63 in the locked position, and engages the first section to inhibit movement of the lock from the locked position.

With respect to claim 18, the primary reference Inaba et al. discloses that a cover 4 is coupled to a portion of the cable between the cable retainer 5 and the clip location.

With respect to claim 19, the primary reference Inaba et al. discloses that the cover includes an exterior surface that is partially flat (figure 2, side of cover 4 nearest 41).

With respect to claim 20, the primary reference Inaba et al. discloses that the cover includes an exterior surface that is partially spherical (figure 2, side of cover nearest 4).

With respect to claim 21, the primary reference Inaba et al. discloses that the cover includes an exterior surface configured to receive a decoration thereon.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Van't Hof (US 4,322,077), Belsky (US D550,951), Strykower (US 2,572,889), Pidcock (US 6,997,362), and Leslie (US 6,212,688) all disclose similar inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARGARET L. OLSON whose telephone number is (571)272-9002. The examiner can normally be reached on MTWR, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mlo

/Nathan J. Newhouse/  
Supervisory Patent Examiner, Art Unit 3782